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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,286	05/29/2001	Robert Ried	IO-1002-US	6239

24923 7590 04/27/2004
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EXAMINER

KWOK, HELEN C

ART UNIT PAPER NUMBER

2856

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

10

Office Action Summary	Application No. 09/867,286	Applicant(s) RIED ET AL.	
	Examiner Helen C. Kwok	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on February 3, 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-9 and 11-18 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2-9 and 11-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2-9 and 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,350,189 (Tsuchitani et al.).

With regards to claim 2-9, Tsuchitani et al. discloses a capacitance accelerometer comprising, as illustrated in Figures 1a-17, a measurement mass 4 for detecting acceleration includes a housing having a cavity (as observed in the figures); a spring mass assembly 8 positioned within the cavity; one or more electrodes 4 (mass 4 itself is a movable electrode) coupled to the spring mass assembly; a top cap wafer 1 including a top capacitor electrode 5; a bottom cap wafer 3 including a bottom capacitor electrode 6 wherein surfaces of one or more other mass electrodes, top capacitor electrode or the bottom capacitor electrode include one or more re-entrant openings including re-entrant grooves 7,10 or holes 9. Furthermore, the configuration and arrangement of the re-entrant grooves are herringbone shaped or criss-crossed and extends in a radial direction or in the periphery of the electrodes. (See, as observed in the figures; column 4, line 3 to column 9, line 16).

With regards to claims 11-18, the claims are directed to method claims and are commensurate in scope with claims 2-9 and are rejected for the same reasons as set forth above.

Response to Amendment

3. Applicant's arguments filed February 3, 2004 have been fully considered but they are not persuasive.

Applicants argue that the reference, Tsuchitani et al., does not suggest the claimed limitation of the one or more re-entrant grooves as a groove in an element that is larger toward the element center than the element surface, as commented on page 2, 3rd paragraph of the amendment filed 2/3/04.

The reference, Tsuchitani et al., does teach all of the limitations and features as presently claimed as set forth in the above rejection. Although applicants assert that the reference, Tsuchitani et al., does not suggest the claimed limitation of the one or more re-entrant grooves as a groove in an element that is larger toward the element center than the element surface; however, this limitation for the one or more re-entrant grooves is not being claimed. There is no claim language in the present pending claims claiming this limitation and/or feature. Therefore, Tsuchitani et al. does disclose all of the limitations as presently claimed.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

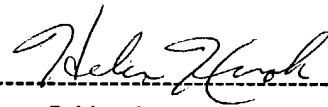
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen C. Kwok whose telephone number is (571) 272-2197. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2856

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Helen C Kwok
Art Unit 2856

hck
April 22, 2004